

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-2(c)

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*Attorneys for Petitioners GEPMC 2006-C1
Carrington Oaks, LLC, Comm 2006-C8 Covese
Lane, LLC, and BACM 2006-4 Inverness
Apartments, LLC*

In re:

EZRA BEYMAN,

Debtor.

Case No.: 14-28775 (CMG)

Involuntary Chapter 7

Hearing: TBD

**CERTIFICATION OF RISHI KAPOOR IN OPPOSITION TO MOTION OF
DEBTOR EZRA BEYMAN TO DISMISS INVOLUNTARY CHAPTER 7 PETITION**

I, Rishi Kapoor, an attorney duly admitted to practice law in the State of New York, and specially admitted to practice before this Court *pro hac vice*, hereby certify as follows under the penalty of perjury:

1. I am an attorney specially admitted to practice before this Court *pro hac vice* and an associate attorney at the law firm Venable LLP, attorneys for Petitioners GEPMC 2006-C1

Carrington Oaks, LLC (“Carrington Oaks LLC”), Comm 2006-C8 Covese Lane, LLC (“Covese Lane LLC”), and BACM 2006-4 Inverness Apartments, LLC (“Inverness Apartments LLC,” and together with Carrington Oaks LLC and Covese Lane LLC, “Petitioners”). I respectfully submit this Certification in opposition to the motion (the “Motion”) of debtor Ezra Beyman (“Debtor” or “Mr. Beyman”) to dismiss the involuntary chapter 7 bankruptcy petition or abstain, and to place before the Court true and correct copies of documents referenced in the accompanying Petitioners’ Brief in Opposition to Motion of Debtor Ezra Beyman to Dismiss the Involuntary Chapter 7 Petition or Abstain.

2. A true and correct copy of Petitioners’ Involuntary Petition, dated September 12, 2014, ECF No. 1, is attached hereto as **Exhibit 1**.

3. A true and correct copy of the Complaint dated December 17, 2010 (the “Alabama Complaint”) in the case captioned *BACM 2006-4 Inverness Apartments, LLC v. Ezra Beyman*, Case No. 63-CV-2010-900998 (Ala. Cir. Ct.) (the “Alabama Action”) is attached hereto as **Exhibit 2**.

4. A true and correct copy of the Judgment in the Alabama Action, dated October 9, 2012, issued by the Circuit Court of Tuscaloosa County, Alabama is attached hereto as **Exhibit 3**.

5. A true and correct copy of the Final Judgment in the Alabama Action, dated October 22, 2012, issued by the Circuit Court of Tuscaloosa County, Alabama is attached hereto as **Exhibit 4**.

6. A true and correct copy of the Certificate of Judgment in the Alabama Action, dated July 16, 2014, issued by the Circuit Court of Tuscaloosa County, Alabama, is attached hereto as **Exhibit 5**.

7. A true and correct copy of the Verified Amended Complaint dated April 18, 2012 (the “North Carolina Amended Complaint”) in the case captioned *GEPMC 2006-C1 Carrington Oaks, LLC v. Samuel Weiss and Ezra Beyman*, Case No. 12-CVS-3684 (N.C. Super. Ct.) (the “North Carolina Action”) is attached hereto as **Exhibit 6**.

8. A true and correct copy of the Order on Motion for Entry of Default against Defendant Ezra Beyman in the North Carolina Action (the “North Carolina Default Order”), dated May 2, 2014, issued by the Superior Court, Mecklenburg County, North Carolina, is attached hereto as **Exhibit 7**.

9. A true and correct copy of the Judgment against Defendant Ezra Beyman in the North Carolina Action, dated May 13, 2014, issued by the Superior Court, Mecklenburg County, North Carolina is attached hereto as **Exhibit 8**.

10. A true and correct copy of the Certificate of True Copy of Judgment against Defendant Ezra Beyman in the North Carolina Action (the “North Carolina Certified Judgment”), dated June 24, 2014, issued by the Superior Court, Mecklenburg County, North Carolina, is attached hereto as **Exhibit 9**.

11. A true and correct copy of the Amended Complaint dated August 16, 2012 (the “Virginia Am. Complaint”) in the case captioned *COMM 2006-C8 Coveside Lane, LLC v. Ezra Beyman*, Case No. 12-cv-373 (E.D. Va.) (the “Virginia Action”) is attached hereto as **Exhibit 10**.

12. A true and correct copy of Defendant’s Answer and Affirmative Defenses in the Virginia Action (the “Beyman Virginia Answer”), dated November 1, 2012, is attached hereto as **Exhibit 11**.

13. A true and correct copy of the Order in the Virginia Action (the “Virginia SJ Order”), dated August 23, 2013, issued by the United States District Court for the Eastern District of Virginia, is attached hereto as **Exhibit 12**.

14. A true and correct copy of the Judgment in a Civil Case in the Virginia Action, dated August 23, 2013, entered September 4, 2013, issued by the United States District Court for the Eastern District of Virginia, is attached hereto as **Exhibit 13**.

15. A true and correct copy of the Affidavit of Sarah Kate McConaughy, dated December 18, 2013, filed December 19, 2013, in the action *COMM 2006-C8 Covese Lane, LLC v. Ezra Beyman*, Case No. 036457/2013 (N.Y. Sup. Ct.) is attached hereto as **Exhibit 14**.

16. A true and correct copy of the Memorandum in Support of Plaintiff’s Motion for Summary Judgment in the Virginia Action, dated July 9, 2013, filed by Covese Lane LLC, is attached hereto as **Exhibit 15**.

17. A true and correct copy of Ezra Beyman’s Memorandum in Opposition to Plaintiff’s Motion for Summary Judgment in the Virginia Action (“Beyman’s Virginia Opp’n”), dated July 23, 2013, is attached hereto as **Exhibit 16**.

18. A true and correct copy of the Reply in Support of Plaintiff’s Motion for Summary Judgment in the Virginia Action, dated July 29, 2013, which attaches the Second Declaration of Dmitry Sulsky, is attached hereto as **Exhibit 17**.

19. A true and correct copy of the Verified Complaint for Enforcement of Mortgage, Including Assignment of Rents, and Appointment of Receiver and Other Relief (the “Fannie Mae Complaint”) in the action captioned *Fed. Nat’l Mortg. Assoc. v. Empirian at Riverfront, LLC, et al.*, Case No. 11-cv-14119 (E.D. Mich.) (the “Fannie Mae Action”), dated September 21, 2011,

filed by the Federal National Mortgage Association (“Fannie Mae”), is attached hereto as **Exhibit 18**.

20. A true and correct copy of the Judgment in the Fannie Mae Action (the “Fannie Mae Judgment”), dated February 3, 2014, issued by the United States District Court for the Eastern District of Michigan, is attached hereto as **Exhibit 19**.

21. True and correct copies of the Fannie Mae Judgment registered in the United States District Courts for the Southern District of Ohio (Case No. 14-MC-00020, Registered on Apr. 21, 2014), the Western District of Kentucky (Case No. 14-MC-00013, Registered on Apr. 22, 2014), the Southern District of Indiana (Case No. 14-MC-00045, Registered on May 8, 2014), and the Northern District of Indiana (Case No. 14-MC-000001, Registered on May 13, 2014), are attached hereto as **Exhibit 20**.

22. A true and correct copy of the Plaintiff’s First Amended Original Petition (the “Beyman Texas Complaint”) in the case captioned *Ezra Beyman v. LNR Partners, LLC, et al.* Case No. 14-cv-02438 (S.D. Tex.) (the “Pending Texas Litigation”), filed September 5, 2014, is attached hereto as **Exhibit 21**.

23. A true and correct copy of the Guaranty and Indemnity (the “Texas Guaranty”), dated June 27, 2006, is attached hereto as **Exhibit 22**.

24. A true and correct copy of the Memorandum of Law in Support of Defendants’ Motion to Dismiss Plaintiff’s First Amended Original Petition in the Pending Texas Litigation, dated September 5, 2014 (“LNR’s Motion to Dismiss”), filed on behalf of LNR Partners, LLC, LNR Texas Partners, LLC, and Dmitry Sulsky, is attached hereto as **Exhibit 23**.

25. A true and correct copy of the Judgment dismissing the appeal in the case captioned *BACM 2006-4 Park Row, LLC v. Ezra Beyman*, Case No. 13-14-00651-CV (Tex. Ct.

App.) (the “Texas Guaranty Action”), dated November 13, 2014, issued by the Texas Fourteenth Court of Appeals, is attached hereto as **Exhibit 24**.

26. A true and correct copy of the Transcript of Hearing before the Honorable Christine M. Gravelle, U.S.B.J., dated November 12, 2014, is attached hereto as **Exhibit 25**.

27. A true and correct copy of the Petitioners’ Letter to the Hon. Christine M. Gravelle, U.S.B.J., dated Oct. 31, 2014, ECF No. 11, is attached hereto as **Exhibit 26**.

28. Upon Information and belief, Mr. Beyman has not paid the amount due under the Fannie Mae Judgment.

Dated: New York, New York
December 17, 2014

/s/ Rishi Kapoor

RISHI KAPOOR